

FCC APPEAL of USAC DENIAL - Chandler Unified School District #80

July 1, 2011

Federal Communications Commission
Marlene H. Dortch, Secretary
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Request for Waiver of a decision made by USAC

CC Docket Nos. 96-45 and 02-6

Decision being appealed: Appeal to USAC will not be considered - sent after 60 days of the Funding Commitment Decision Letter.

FCDL Date: August 4, 2009
Form 471Number: 678541
Funding Year: 2009 (7/1/2000 – 6/30/2010)
Billed Entity Name: Chandler Unified School District #80
BEN: 142926
FRN: 1911057, 1911090
Service Provider: Qwest Communications Company, LLC
SPIN: 143001157

Contact Person: Chris Nipar Program Coordinator
Phone: 480-224-3921
Fax: 480-224-9256
E-mail: Nipar.Chris@chandler.k12.az.us

Summary: We believe that the FCC should permit USAC to take another look at our appeal letter even though we are clearly out of the sixty (60) day window. We had not realized that there was an issue for an appeal until we were writing the BEAR Form 472. It was at that time that we discovered our error in transposing the FRN amounts as we posted these two FRNs with Qwest. We posted five FRN requests for Qwest and the two FRNs in question shared the same SPIN number. Because of this transposition, one FRN was approved for more funding than required and the other FRN is grossly underfunded. This clerical error, if unresolved, will result in a loss of over \$38,000 to the district.

All of the details are contained in our original appeal document and the PIA request and response attached to this appeal document below.

Impact of This Denial: Chandler Unified School District 80 has already expended the funds in question. This denial represents an out-of-pocket loss to the district of over \$38,000. We believe that a re-consideration of these two FRNs and approval of our request is in keeping with the overall goals of the E-Rate program.

We assure the FCC that we have been and remain strident in our efforts to understand and comply with all SLD guidelines. This denial is the result of a clear error on our part, however it was an administrative, clerical oversight and we request the FCC's understanding of such.

We would appreciate being given the opportunity to correct our clerical error and have the FRN re-evaluated and funded.

Sincerely,
Chris Nipar
(Submitted Electronically via ECFS)
Chandler Unified School District #80
1525 West Frye Road
Chandler, AZ 85224-6178
Phone: 480-224-3921
Fax: 480-224-9256
E-mail: Nipar.Chris@chandler.k12.az.us

Attachments: SLD Denial of Appeal Letter dated May 18, 2011
Chandler Unified School District letter filed April, 2011

May 18, 2011

Christopher Nipar
Chandler Unified School District
Community Education Program Coordinator
1525 West Frye Road
Chandler, AZ 85224-6178

Re: Applicant Name: CHANDLER UNIF SCHOOL DIST 80
Billed Entity Number: 142926
Form 471 Application Number: 678541
Funding Request Number(s): 1911057, 1911090
Decision Letter Date: August 04, 2009
Date Appeal Postmarked: April 27, 2011
Your Correspondence Received: April 27, 2011

Our records show that your appeal was postmarked more than 60 days after the date your Funding Commitment Decision Letter was issued, as shown above. Federal Communications Commission (FCC) rules require applicants to postmark appeals within 60 days of the date on the decision letter being appealed. FCC rules do not permit the Universal Service Administrative Company (USAC) to consider your appeal.

If you believe there is a basis for further examination of your application, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be POSTMARKED within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

Schools and Libraries Division
Universal Service Administrative Company

SLD Appeal re: Chandler Unified School District #80

Filed: April, 2011

Contact Information:

Name: Christopher Nipar
Chandler Education Foundation Business Manager
Address: 1525 West Frye Road
Chandler, AZ 85224-6178
Phone: 480-224-3921
Fax: 480-224-9256
e-mail: Nipar.Chris@chandler.k12.az.us

SLD Action being appealed: Related to BEAR Forms 472 with Invoice ID numbers 1410233 and 1467728

School Year:	2009
Applicant Name:	Chandler Unified School District #80
Form 471 Application#:	678541
Billed Entity #:	142926
FRN #s:	1911090 and 1911057

Requested Action:

We request that the SLD reconsider our application and grant approval after reviewing the following statements.

Our basis for this appeal:

The issue comes down to ministerial errors when posting the Form 471, 678541. You can see that there are five FRNs with Qwest for FY 2009. The two FRNs in question, 1911090 and 1911057, are both associated with the Qwest SPIN of 143001157. The ministerial error occurred while working with the same SPIN number, 143001157.

While filing the Form 471 we had inadvertently transposed the dollar amounts that were to be assigned to the Qwest QMOE (Wide Area Network) request on FRN 1911090 to the Qwest Long Distance FRN 1911057. The post-discount dollars posted for QMOE FRN 1911090 were \$6,426.60 and the post-discount dollars posted for the Long Distance FRN 1911057 were for \$44,346.08. The actual post-discount dollars spent for QMOE were \$88,881.08 and for long distance were \$2,091.06. We understand that there are cap amounts on the FRNs that are in place. We want to show that we did spend the dollars for these services.

The dollar amounts posted on the Form 471 for FRNs 1911090 and 1911057 were transposed. We had made a ministerial mistake. The FCC Bishop Perry ruling allows for the correction of these mistakes.

In October, 2010 we had noticed this transposition error and asked the SLD hotline what remedy to take. The response was “nothing”. We called again today on April 21, 2011 and were told that we could write an appeal. Here is that appeal.

Summary:

This ministerial error represents a significant out of pocket loss to the district. This is not the goal of the E-Rate program. There is no question that our Funding Requests represent eligible goods and services for eligible uses and that we have complied with all of the E-Rate program’s rules and guidelines.

We request that the SLD re-consider our application based on the evidence included in this appeal.

Thank you.

Sincerely,

(filed electronically via SLD website)

Christopher Nipar

Chandler Education Foundation Business Manager



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2009-2010

May 18, 2011

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Chandler Unified School District
Community Education Program Coordinator
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Chandler, AZ 85224-6178

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Administrator's Decision on Appeal – Funding Year 2009-2010

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Chandler Unified School District
Community Education Program Coordinator
1525 West Frye Road
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Schools and Libraries Division
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SLD Appeal re: Chandler Unified School District #80

Filed: April, 2011

Contact Information:

Name: Christopher Nipar
Community Education Program Coordinator
Address: 1525 West Frye Road
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Phone: 480-224-3921
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e-mail: Nipar.Chris@chandler.k12.az.us

ERATE Consultant Information:

BTU Consultants
Carol Underriner
Phone: 314-983-0292
Fax: 314-983-0415
E-mail: Carol@BTU-Consultants.com

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The dollar amounts posted on the Form 471 for FRNs 1911090 and 1911057 were transposed. We had made a ministerial mistake. The FCC Bishop Perry ruling allows for the correction of these mistakes.

In October, 2010 the CUSD ERATE consultant noticed this transposition error and asked the SLD hotline what remedy to take, the relayed response was nothing could be done. I believe that if our consultant had filed the appeal or information at that time, the error would have been corrected. I was not advised of the errant posting until receipt of the 472(BEAR) form in April, at which time I called the SLD. On April 21, 2011 the SLD hotline advise me that no appeal was on file and that we could write an appeal. Here is that appeal.

Summary:

This ministerial error represents a significant out of pocket loss to the district. This is not the goal of the E-Rate program. There is no question that our Funding Requests represent eligible goods and services for eligible uses and that we have complied with all of the E-Rate program's rules and guidelines. I have attached copies of the Qwest Invoices for the FRNs and time frames in question for your review.

We request that the SLD re-consider our application based on the evidence included in this appeal.

Please contact me directly if you have any further questions, or if more information is needed.

Thank you.

Sincerely,

(filed electronically via SLD website)

Christopher Nipar

Chandler Unified School District

Community Education Program Coordinator